PENFIELD TOWN BOARD AGENDA
Wednesday, February 3, 2016 7:00 PM
Supervisor R. Anthony LaFountain, presiding

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16T-066 Authorization for Supervisor to Sign Recreation Contracts

VIII Old Business
IX New Business
X Public Participation
XI Adjournment
The Regular meeting of the Penfield Town Board was held on Wednesday, February 3, 2016 at 7:00 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present: R. Anthony LaFountain Supervisor
       Linda Kohl Councilwoman
       Paula Metzler Councilwoman
       Robert Quinn Councilman

Also Present: Amy Steklof Town Clerk
              Richard Horwitz Town Attorney

Absent: Andrew Moore Councilman

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Communications and Announcements

1. The Town of Penfield’s Codification Project has been completed and residents can now view the Town Code (eCode) on the Town’s Website. The Town Code contains Local Laws and Ordinances which are comprehensive and up-to-date providing a Legislative framework for local officials and residents. The Town’s eCode can be found on the Town’s Website under Quicklinks/Town Law and Code.

2. The Penfield Trails Committee will host its annual Free Indoor Hike on Saturday, February 13, 2016 at 10:00 AM at the Penfield Town Hall Auditorium, 3100 Atlantic Avenue. For more information and to pre-register, please call Penfield Recreation at 340-8655, option 6.

3. On Monday, February 22, 2016 the Penfield Symphony Orchestra will present “For Our Valentine: Bonbons and a Movie.” All concerts are held at the Penfield High School Auditorium at 7:30 PM. Free rides to the concerts are available from Lifespan by calling 872-0774. For more information about the Penfield Symphony Orchestra, please visit www.penfieldsymphony.org.

4. A Resolution setting a Public Hearing for a Moratorium will be passed later this evening. Councilman Rob Quinn read into the record a letter prepared by Jim Costello, Director of Developmental Services, pertaining to the sale of Shadow Pines and Shadow Lake golf courses. See attached.

5. Councilwoman Metzler read a letter written by Supervisor LaFountain to the President of Dolomite Products. See attached.

6. The Penfield Players announce auditions in February for its spring melodrama production of Billy St. John’s Sneakypete Underhand’s Devious Dealings (or The Doctor is IN-sane). Director Virginia Monte will hold auditions on Monday, February 22 and Tuesday, February 23, 2016 at 7:00 PM at the Penfield Community Center, 1985 Baird Road. Roles are available for seven (7) men and four (4) women of various ages (20-70). For more information, visit www.penfieldplayers.org or contact the director at hello@wallbyrd.com.

7. The Penfield Players announces its winter staged reading of Red Herring to be performed on Saturday, February 20, 2016 at 2:00 PM at the Penfield Community Center, 1985 Baird Road. Directed by Donald Bartalo, Red Herring is a noir comedy about marriage and other explosive devices. It’s set in 1952, when America’s on the verge of the H-bomb, Dwight Eisenhower’s on the campaign trail, and I Love Lucy’s on Monday nights. Admission is free, but donations are accepted at the door. For more information, please visit www.penfieldplayers.org.
Communications and Announcements – Continued

8. Come show your support for Penfield Recreation’s DEAR programs by participating in another Mystery Dinner Theater featuring “The Case of the Star Trek Lovers,” written by Pam Gerace, on Thursday, February 11, 2016 at 6:30 PM at the Dolomite Lodge. Tickets are $35 each and may be purchased by calling Penfield Recreation at 340-8655, option 6.

9. Councilwoman Kohl’s next Community Chat will be held on Tuesday, February 16, 2016 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

10. Councilman Moore was unable to attend this evening’s Legislative meeting due to travel. Therefore, he sent in an e-mail which read as follows: As a Penfield resident and Town Board member, I support this Board moving towards enacting a moratorium for Shadow Pines and Shadow Lake properties.

I know over the past two (2) weeks, each Town Board member has spoken with Supervisor LaFountain individually about their desire to see a moratorium in place. In a perfect world, I would love to see a buyer come forward and keep the property as a golf course. In the meantime, I want to be clear, I do not support the development of Shadow Pines for the advertised construction of 290 homes. I am in full support of this Town Board enacting the moratorium. Thank you.

Public Participation

Jeff Burns, 39 Scarborough Park stated he is in support of a moratorium to consider different options for the land that currently houses Shadow Lake and Shadow Pines golf courses. He inquired whether the Town Board was aware of any offers to purchase the land.

Supervisor LaFountain stated they are not aware of any offers.

Supervisor LaFountain also stated that the Town is researching the history of the parcels and they will keep the website up-to-date as information is received.

Terry Rickard, 110 Huntington Meadow stated that no development comes without traffic issues and other burdens on areas with development. He hopes the committee will look at all impacts of development. He is in support of a moratorium.

Jack Kench, 9 Shadow Pines Drive stated he is a member of the Shadow Pines Homeowners Association. He believes setting a moratorium is a step in the right direction. He hopes to be considered for the committee.

Robert Colangelo, 1925 Clark Road stated he supports a moratorium and would like to participate in the decision process. He hopes that part of the process will include taking a look at the rock quarry.

Supervisor LaFountain explained the process of setting the moratorium. He stated that anyone who would like to be considered for the committee should send an e-mail or letter to him. To date 50 letters have been received. He feels the whole process will take six (6) to twelve 12 months.

Carol Southby, 115 Huntington Meadow thanked the Town Board for being proactive. She is in support of a moratorium and hopes the majority of the parcels will be made green space for recreational use to alleviate traffic and to provide residents with a higher quality of life.

Carol Samuel is in support of a moratorium. She stated that if the parcels are sold to be made into housing developments the schools would need to expand to accommodate more children which would bring on higher costs in many ways. She thanked the Town Board for being proactive.
Debra Backus, 35 Colonial Drive stated her home backs up to the 12th hole of Shadow Pines golf course and that even though the golf course is between her home and the rock quarry, she has had to endure cracks in her windows, shattered foundation and a shaking house. She wonders if the builders are aware of the quarry issues. She also stated that she has found that many residents are unaware of the possible sale of these parcels and would like to have more done to educate the residents. She thanked the Town Board for being proactive and would like to see the parcels stay green.

Supervisor LaFountain spoke about the parcels zoned residential since 1929. He spoke about the Town’s two (2) Comprehensive Plans and the Town committees that assumed the parcels would stay as golf courses.

Rosann Hill, 5 Shadow Pines Drive stated that a national company must be looking to buy the parcels and that the development of the parcels could end up being developed into far more than 200 homes. She is in favor of a moratorium.

Bill Sullivan, 1899 Clark Road pointed out that there is dolomite rock throughout the area and therefore is not conducive for building homes. He asked the Town Board to study the property with respect to the rock formations in the area.

Sam Ogie, 1924 Clark Road stated he is in favor of a moratorium and thanked the Town Board for recognizing the balance between individual property rights and the good of the community.

Don McQuay, 76 Skyview Lane stated that he noticed that on tonight’s agenda there is a resolution calling to reduce the number of members on the Planning Board from seven (7) to five (5) members. He asked for an explanation. He stated that with all the growth within the Town, he would think the Planning Board would benefit better as a seven (7) member board.

Supervisor LaFountain stated that under State Law they are allowed to have a five (5) or seven (7) member board. In the 60’s and 70’s the Planning Board was made up of five (5) members which was increased to seven (7) members and now the board is taking it back to a five (5) member board.

Michael Ruff, 35 Pond Valley Circle stated he does not believe the Town Board has done enough. He believes the Town has to take more action in order to stop the possible development of these parcels. He stated that the Town Board should know what the offering price is of these properties. He also said that the asking price of Shadow Pines is $4.5 million. He wants the Town Board to come up with more ideas to stop the developers.

Supervisor LaFountain asked Mr. Ruff to state what the price of Shadow Pines is.

Mr. Ruff stated that the property is not listed and that the $4.5 million figure is the market price.

Town Attorney, Dick Horwitz asked Mr. Ruff if there are, in fact, three (3) or four (4) offers on the Shadow Pines property?

Mr. Ruff stated there are four (4) offers on Greystone.

Town Attorney Horwitz asked Mr. Ruff if he knows of any offers on the Penfield golf courses.

Mr. Ruff said yes.

Town Attorney Horwitz asked if he has any copies of those offers to share with the Town Board?
(Public Participation - Continued)

Mr. Ruff stated no, they are not public offers, but the reason he has this information is that he works for ReMax Realtors in Pittsford, NY.

Town Attorney Horwitz stated the Town Board is considering a moratorium to vet out all potential uses of the property. He went on to say that the moratorium legislation provides that there will be no municipal approvals to redevelop the golf courses during the period of time the moratorium is in effect.

Mr. Ruff asked if the moratorium will go into effect on March 2, 2016?

Town Attorney Horwitz stated the moratorium will not go into effect until after the Town Board has heard all comments pertaining to this topic and then will pass the appropriate legislation.

Councilwoman Metzler pointed out that the Town Board has instructed all Town Staff not to accept any applications for development of the properties. The Town Board will follow the Law so as not to expose the Town to any liability.

Ned Benson, 108 Harwood Circle asked the Town Board if they can stop development based on the fact that it will put a strain on the schools, sewers and electrical systems?

Supervisor LaFountain stated these are some of the things they will be looking into.

Robert Peterson, 1931 Clark Road stated that at a previous meeting he had asked to have a fence installed around the quarry, but has since seen that there is already a fence surrounding it. He also stated that if homes are developed there will be pressure to shut the quarry down and that is another item the Town Board needs to consider.

Shalom Wertsberger, Huntington Meadow asked what are the steps that can be taken to stop development?

Supervisor LaFountain stated a moratorium will be put into place and then a committee of stakeholders will be put together. The committee will then bring recommendations to the Town Board for possible implementation. Mr. Wertsberger asked what are the options available to stop development?

Town Attorney Horwitz stated that what the moratorium is designed to do is stop the redevelopment and give the community an opportunity to come to a conclusion and recommendation as to what would be the best use of the parcels if they are not continued as golf courses. At that point the Town Board will have the opportunity to change the zoning regulations to reflect the judgement that the community and the Town Board comes to for redevelopment of the golf courses.

Mr. Wertsberger said his understanding is that the Town Board is looking to change the zoning of the property.

Mr. Horwitz stated that it would depend on what the recommendations are.

Councilwoman Metzler stated that she sees the process as two (2) parts. First, to prove that 290 homes on the Shadow Pines parcel won’t work for that area and second that the purpose of the committee is to show what is feasible for that area.

Mr. Wertsberger asked if the Town needs to consider bringing in Monroe County or New York State into the process?

Town Attorney Horwitz stated that Monroe County will be involved and will render an opinion.
Violet Downie, 84 Skyview Lane stated she does not want the golf courses taken away because every year since she was two (2) years old she has gone sledding on the golf course.

Jim Froom, 11 Denonville Ridge stated he would like the Town Board to require a disclosure to any future buyer that lets them know there is dynamiting going on in the quarry. He also stated that potential developers should be told that there is bedrock under the parcels which would make it impossible to build homes in that area. He stated he is all for keeping the golf courses. He feels a good plan would be to have Old Castle come and speak with the residents and Town Board. He would like to see a long term plan that would include the reclamation of the quarry that keeps the golf courses open for another 10-15 years. He thanked the Town Board for proposing a moratorium.

Tim Murphy, 48 Corral Drive stated that he reviewed the 2010 Comprehensive Master Plan and found that the golf course parcels are coded Recreational and Sanctuary use. His conclusion is that it shows the intention of keeping it that way. He asked if a deed restriction would be located in the Monroe County Clerk’s office?

Supervisor LaFountain stated it can be found at the Monroe County Clerk’s office as well as in the Town Assessor’s office.

Mr. Murphy asked to have someone look into it for him.

Supervisor LaFountain stated they are working diligently on the process.

Elsa Schaefer, 47 Brougham Drive asked if it is true that the Shadow Pines Golf Course is closed and will not reopen.

Supervisor LaFountain stated that is true.

Robert Metz, 50 Bunker Hill Drive asked if the property on Atlantic Avenue and the northeast part of Five Mile Line Road is going to be developed.

Supervisor LaFountain stated that application is currently before the Planning Board.

Mr. Metz asked how many homes would be developed on that property?

Supervisor LaFountain stated he believes 86 homes are proposed for that property.

Councilwoman Metzler stated she does not want to sweep any other approved developments into the moratorium because it would weaken their case to support the moratorium.

Supervisor LaFountain stated he received an email via the internet that asked if the Town could buy the property. He went on to say that could be one of the options to look at.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of December 30, 2015 Councilman Quinn seconded and all voted “Aye.”

Petitions - None
Resolutions by Function

Law and Finance

#16T-060 Authorization for Town Supervisor to Sign a Professional Service Contract with Mark DiFrancesco for Construction Inspection Services in connection with the Parkview Drive/White Village Drive Sewer Project Area (Ext. 56) by Moore

BE IT RESOLVED, that Mark DiFrancesco, 33 Cristine Circle, Penfield, NY 14526, be named as an Engineering Consultant for the Town of Penfield, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign a contract with Mark DiFrancesco for a professional service contract, for construction inspection and observation in connection with the Parkview Drive/White Village Drive Sewer Project Area, (Ext. 56), to be approved by the Town Attorney.

Moved: Quinn
Seconded: Metzler

Vote: Kohl Aye LaFountain Aye
Metzler Aye Moore Absent
Quinn Aye

Adopted

#16T-061 Authorization to Decrease the Penfield Planning Board from Seven to Five Members by Moore

WHEREAS, under New York Town Law, Planning Boards may have either five or seven members, and

WHEREAS, this Board was a five member board up until January 3, 1978 when the Town Board added two members to create a seven member Board; and

WHEREAS, the Town Board finds it appropriate to return the Planning Board to a five member Board; and

THEREFORE, BE IT RESOLVED, effective immediately the Penfield Planning Board will consist of five members appointed at staggered three year terms.

Moved: Quinn
Seconded: Kohl

Vote: Kohl Aye LaFountain Aye
Metzler Aye Moore Absent
Quinn Aye

Adopted

#16T-062 Setting a Public Hearing for Adoption of Local Law No. 1 of 2016 to be known as "A Local Law to Effect a Moratorium and Prohibition within the Town of Penfield of Public Golf Course Redevelopment by Moore

WHEREAS, the Town Board of the Town of Penfield wishes to consider adopting proposed Local Law No. 1 of 2016 which would put into effect a moratorium and prohibition within the Town of Penfield of public golf course redevelopment on real property located within the Town of Penfield; and

WHEREAS, the Penfield Town Board is best suited to act as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and thus does hereby designate itself as “lead agency” pursuant to SEQRA; and
WHEREAS, the subject application is determined to be a Type II action pursuant to the State Environmental Quality Review Act (SEQRA); NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the said Town of Penfield shall hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on March 2, 2016, at 7:00 PM on said date, to consider the said proposal and to hear all persons interested on the question of the adoption of Local Law No. 1 of 2016 which would put into effect a moratorium and prohibition within the Town of Penfield of public golf course redevelopment to any uses other than golf courses, a copy of which is attached hereto and made a part hereof known as Schedule “A”; and be it further
RESOLVED, that a copy of this Resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the Town, the first publication thereof to be not less than three (3) nor more than thirty (30) days before the date set for said Hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by Law.

Moved: Quinn
Seconded: Metzler

Vote: Kohl Aye LaFountain Aye
       Metzler Aye Moore Absent
       Quinn Aye

Adopted

See Schedule “A” at End of Minutes

#16T-063 Authorization for Town Supervisor to Sign a Professional Service Contract Amendment with DDS Companies for Sidewalks on Empire Boulevard by Moore

WHEREAS, the Town of Penfield is supportive of the installation of the sidewalks within the Town; and
WHEREAS, the Town of Penfield obtained Community Development Block Grant funding in both 2014 and 2015 to install sidewalks on Empire Boulevard; and
WHEREAS, the Town of Penfield accepted bids for professional design help to prepare construction documents for the installation of the above improvements; and
WHEREAS, the Town of Penfield subsequently authorized DDS Companies to prepare construction documents for the installation of the above improvements; and
WHEREAS, proposals dated January 23, 2015, and March 6, 2015 by DDS companies, provided an estimate for professional engineering services for this project including Survey & Mapping and Design for a total contract amount of $11,000 between the two phases of the project; and
WHEREAS, on December 9, 2015, DDS Companies, submitted a proposal for the additional services to complete their design based on the additional scope required by the NYSDOT; and
WHEREAS, DDS Companies will prepare profiling for the length of the sidewalk, cross-sections every 50 feet, additional survey and typical sections for each change in grade, as per the NYSDOT requirements;
NOW THEREFORE BE IT RESOLVED; that based on the submitted estimate prepared by DDS Companies on December 9, 2015, the Town Board hereby authorizes DDS Companies to provide the additional design for the Empire Boulevard Sidewalk Project, in an amount not to exceed $8,000.00.

BE IT FURTHER RESOLVED; that Penfield Town Supervisor, R. Anthony LaFountain be and hereby is authorized to execute said proposal with DDS Companies for said action, subject to the review of the Town Attorney.

Moved: Quinn  
Seconded: Kohl

Vote:  
Kohl     Aye  
Metzler  Aye  
Quinn    Aye  
LaFountain Aye  
Moore    Absent  

Adopted

See Attachment at End of Minutes

#16T-064 Authorization for the Town Supervisor to Sign an Amendatory Agreement with Monroe County for the 2014 and 2015 CDBG Grants for the Empire Blvd. Sidewalk Improvement Project

WHEREAS, the Town of Penfield is a member of the Monroe County Community Development Block Grant Urban Consortium; and

WHEREAS, the Town of Penfield, New York, after consultation with the public, has identified an appropriate use of potential Community Development funding in the Town; and

WHEREAS, the Town of Penfield previously made application to the Monroe County Development Administration for a project that satisfied their determination; and

WHEREAS, the Monroe County Development Administration awarded grants for the Empire Boulevard Sidewalk Improvement Project in the Town of Penfield in 2014 and 2015; and,

WHEREAS, the County and the Town previously entered into an Agreement executed by the County on March 11, 2015, whereby the Town agreed to provide for the Empire Boulevard Sidewalk Improvement Project; and

WHEREAS, the Town of Penfield has deemed it in the best interest of the Town of Penfield to execute this new agreement to extend said original agreement;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Penfield Supervisor, R. Anthony LaFountain be and hereby is authorized to execute an amendatory agreement with Monroe County for the Empire Boulevard Sidewalk Improvement Project.

Moved: Quinn  
Seconded: Metzler

Vote:  
Kohl     Aye  
Metzler  Aye  
Quinn    Aye  
LaFountain Aye  
Moore    Absent  

Adopted
Public Works

#16T-065  Purchase 2016 Sidewalk Tractor with Plow and Attachments by Metzler

WHEREAS, the Director of Public Works desires to purchase one 2016 Sidewalk Tractor, L Series Model number L4060HSTC with blower Plow Frame for $37,941.95 and Snow Plow for $4,999.00 from National Joint Power Alliance, Quote number #498610, per the "New York State Piggy Back Law" for a contract price of $42,940.95, and,

BE IT FURTHER RESOLVED, the funds for said purchase are budgeted in the 2016 Parks Equipment Fund for a total of approximately $42,940.95 and

NOW THEREFORE BE IT RESOLVED, that the Director of Public Works be and hereby is authorized to purchase one 2016 Sidewalk Tractor, L Series Model number L4060HSTC with Snow Blower, Plow Frame and Snow Plow.

Moved: Metzler
Seconded: Kohl

Vote: Kohl  Aye   LaFountain  Aye
      Metzler  Aye   Moore   Absent
      Quinn  Aye

Adopted

Public Safety - None

Community Services

#16T-066  Authorization for Supervisor to Sign Recreation Contracts by Kohl

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the following Recreation Contracts:

Gates Keystone Club Police Pipes and Drums, c/o Dave Staub, 89 Sweet Birch Lane, Rochester, NY 14615, Independence Day Parade, 7/2/16, for a fee of $750 (if inclement weather and parade is cancelled for a fee of $125). Voucher to be submitted 6/1/16.

Frances DeWitte, 3 Bittersweet Circle, Penfield, NY 14526, Coordinator for Penfield Recreation Adult Tennis League, 5/1/16 – 8/31/16, for the fee of 70% of program net revenues. Vouchers to be submitted 6/15/16 and 9/7/16.

Shelley Ball, 2014 Five Mile Line Rd., Penfield, NY 14526, Instructor for Adult Zumba, 1/8/16 – 12/20/16 for a fee of 70% of program revenues. Voucher to be submitted on a monthly basis.

Mike Kornrich, 59 Culver Parkway, Rochester, NY 14609, to provide musical entertainment “The Mike Kornrich Band” for “Kids Fest”, 8/4/16, for a fee of $500.00. Voucher to be submitted on 7/6/16 and “Mike Kornrich Band” for “Saturday on Stage”, 7/23/16 for a fee of $900.00. Voucher to be submitted on 7/6/16.

Music Rochester, Inc., P.O. Box 12732, Rochester, NY 14612, to provide Gap Mangione Big Band, Saturday, 7/30/16, for a fee of $2,800.00. Voucher to be submitted on 7/6/16.

Arielle Pariente, 605 Shore Dr., West Henrietta, NY 14586, Volleyball official for Adult Volleyball League Playoffs 12/4 & 12/11 & 4/22/16 for fee of $20.00 per game. Voucher to be submitted on 2/3/16 & 4/6/16.

JJ Schembri, 12 Hidden Meadow, Penfield, NY 14526, Director Indoor Lacrosse, 1/9/16 – 2/6/16 for a fee of 70% of program revenues voucher to be submitted on 2/17/16.
(Resolution #16T-066 – Continued)

Moved: Kohl
Seconded: Quinn

Vote:  
Kohl  Aye  
Metzler  Aye  
LaFountain  Aye  
Quinn  Aye

Adopted

Old Business – None

New Business – None

Public Participation

Ed Lindskoog, 40 Willow Pond Way stated he has met with Doug Sangster, Planning Technician and Jim Costello, Director of Developmental Services and had requested an updated trails map of the Town. He hopes to present it at the indoor hike on February 13, 2016.

Mr. Lindskoog also stated that there is standing water on the access lanes surrounding Willow Pond. He asked if Willow Pond had ever been sited for standing water?

Supervisor LaFountain stated he didn’t think so, but has asked Mark Valentine, Town Engineer and the Department of Public Works to include the issue in their plans to be addressed.

Mr. Lindskoog stated this topic has been discussed for several years with the residents at Willow Pond during their monthly meetings. He would like it to be addressed this year by the Town.

John Backus, 35 Colonial Drive asked what is the remaining amount of time for the quarry?

Supervisor LaFountain stated the quarry has approximately 15 years for asphalt and 30 years for mining and quarrying.

Mr. Backus asked if they can go beyond that time period.

Supervisor LaFountain stated that they could if they extended their permit with the Department of Environmental Conservation.

Mr. Backus inquired who is responsible for the reclamation once the time period is up?

Supervisor LaFountain stated Old Castle and the Dolomite Group.

Mr. Backus then asked how would they reclamate?

Supervisor LaFountain stated that things such as clean-up and landscaping would be done.

Supervisor LaFountain also stated that as part of the permit there are regular inspections done and paperwork filed with the New York State Department of Environmental Conservation. The Town gets involved for road cleanup when necessary.

Kevin Gallagher, 1973 Dublin Road stated he is requesting a “Dark Sky” policy and has a disc with some information on it to give to the Town Board. He went on to say that the primary purpose of the policy is to reduce light pollution. The primary benefit is the reduced cost and use of the street lights.

Mr. Gallagher also spoke of the importance of community involvement on all Town issues and he requested an inventory and review of all neighborhood and community groups. The intent is to create a network of neighborhood groups.
Supervisor LaFountain stated that the Town Clerk’s office maintains records of neighborhood groups.

Mr. Gallagher also requested a non-binding resolution that states money doesn’t equal free speech and corporations are not people.

He also expressed concern about the possible opening of a cidery on the corner of Dublin Road and Sweets Corners and stated his concern pertains to what is being proposed and what the process will be. He would like to get people involved in this issue, so he has started a couple of community pages on Facebook. He stated one is called “New York Dublin Road” and the other is “Penfield Whalen Road East End.” He hopes people can connect to these pages to stay informed.

Lastly Mr. Gallagher encouraged people to continue coming to Town Board Meetings and like the Facebook community pages as a way to participate in our Town government.

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 9:04 PM.

Amy Steklof, RMC/CMC
Town Clerk
Dear Golf Management Professional,

On January 12, 2016 the Dolomite Group announced it is offering Shadow Pines and Shadow Lake golf courses for sale. Both properties are located in Penfield, New York. There is a strong desire on the part of the Penfield Town Board and community to see the properties continue to operate as golf courses or for other recreational purposes.

Shadow Pines and Shadow Lake have been operating in the town of Penfield for 32 and 38 years respectively. Oldcastle, the parent company of the local Dolomite Group, Inc., is focusing on its core building materials business and selling non-related properties and interests. Dolomite continues to maintain quarry and asphalt operations in Penfield.

Shadow Pines is an 18-hole course with a driving range, and restaurant within the historic Clark House. Shadow Lake includes an 18-hole course, 9-hole executive course, restaurant, and other outdoor facilities. Both golf courses are fixtures in the community, encompassing and showcasing the beautiful natural features of Penfield. Their central locations, public access, and restaurants have made them popular destinations for locals, travelers, business groups as well as charitable and civic organizations.

The Penfield Town Board is in the process of passing a moratorium on any development of these golf courses to allow time to fully explore any and all viable options.

If you would like to know more about the properties, their zoning, the moratorium, or other municipal-related details, please contact me at 340-8642 or costello@penfield.org.

To learn more about the marketing and sale of the properties please contact lead agent Steven Elovich of Marcus & Millichap directly at (813) 387-4791.

I am hopeful that there is an opportunity here for both your company and the Penfield community.

Very truly yours,

James Costello
Business Development Director
Town of Penfield

cc: Penfield Town Board
    Steven Elovich, Marcus & Millichap
    John Sed, Dolomite Group

www.penfield.org
January 27, 2016

John M. Siegel, Sr., President
Dolomite Products, Inc.
1550 Penfield Road
Rochester, NY 14625

Dear John:

Thank you for your letter of January 21 regarding Dolomite’s sale of the Shadow Pines property. As you have seen in the local media, news of the sale of the golf course for residential development quickly captured the attention of the community and our Town Board.

You expressed that Dolomite has a good relationship with the Town of Penfield. We also believe the Town and Dolomite have enjoyed a positive relationship. On behalf of town government and Penfield residents, we would like this to continue.

Because Dolomite, its quarry, and golf courses have been part of the fabric of our community for so many years, reaction to the announced sale of the property was swift and included rumors, outrage, and misinformation. The story hit social media in a big way, creating a need for a quick response and accurate information. We have made an effort to provide timely and correct information to residents and the media, including background of the property’s history and zoning.

Penfield residents have been specific in naming their concerns, including stress on infrastructure and land preservation. Our Town Board shares many of the same concerns. We also recognize the impact a moratorium could have on Dolomite’s efforts to move forward with the sale of Shadow Pines.

Many people misunderstand the role of government and private property; we are explaining that as we go. Some residents want the town to “just buy” the land, and others want Dolomite to “just donate” it. In all cases, residents expect their local government to act on their behalf, thus the proposed moratorium to give the community and Town Board time to absorb and consider all the possibilities of the sale of Shadow Pines.

We welcome the opportunity to meet with you to discuss these options and any others that may exist. We understand that along with community concerns, there are business decisions to be made on your part. We also appreciate that Dolomite and its parent company, Oldcastle, have made sincere and noticeable commitments to the communities in which they do business. We are hopeful that there is an opportunity here for both Dolomite and the residents of the Town of Penfield.

Please contact the Supervisor’s office (340-8630) to arrange a time to meet on this matter. We look forward to our discussion.

Very truly yours,

R. Anthony LaFontaine
Penfield Supervisor

Councilwoman Linda Kohl
Councilwoman Paula Metzler
Councilman Andy Moore
Councilman Rob Quinn

www.penfield.org
Schedule “A”  
Local Law No. 1 of 2016

Section 1. TITLE. This Local Law shall be known as the Moratorium On and Prohibition Within the Town of Penfield of Public Golf Course Redevelopment Law.

Section 2. PURPOSE, INTENT, AND FINDINGS.

The Town Board of the Town of Penfield is aware that there is considerable interest in the potential sale of the public golf courses known as Shadow Lake and Shadow Pines, properties which are more formally identified in Schedule “1”, attached hereto and made a part hereof. The Board wants to make certain that any potential development of these properties is compatible with the needs of its town residents. The Board further believes that there is a need for a study of these properties to address issues that may be associated with potential high density residential development relating to existing local circumstances, potential impacts to roadways, sanitary and storm sewer capacity, drainage, environmental protection overlay districts (EPOD’s), proximity to an active quarry, public safety and the school district and historic preservation. The purpose of this local law is to enable the Town of Penfield to pass a “stop gap” zoning measure for a reasonable time frame to preserve the status quo while the Town considers amendments to the Penfield Zoning Law to ensure that future development preserves the character and quality of life within Town of Penfield neighborhoods and to control and prevent potential harmful and adverse effects of the golf course redevelopment. This Moratorium and Prohibition applies to any other action other than for improvements to a public golf course and/or its appurtenant facilities.

This Law is a police power and land use regulation. This Law is intended and is hereby declared to address matters of local concern, and it is declared that it is not the intention of the Town to address matters of statewide concern. This Local Law is intended to act as and is hereby declared to exercise the permissive “incidental control” of a land use law that is concerned with the broad area of land use planning and the physical use of land and property within the Town, including the physical externalities associated with certain land uses, such as negative impacts on roadways and traffic congestion and other deleterious impacts on a community.

FINDINGS OF FACT.

1. Penfield is a community in Monroe County that takes great pride in and assigns great value to its quality of life, and cultural, recreational, scenic and other natural resources.

2. Penfield, New York is a residential community of 34,000 with a small town atmosphere and abundant natural resources including vital waterways and hundreds of acres of parks and trails. The Town is regarded as “a great place to raise a family” because of its honored agricultural heritage, quiet neighborhoods, innovative library, excellent schools, variety of faith communities, accessible small business districts and a culture of wellness that provides rich recreation opportunities for all ages. Penfield residents are informed, motivated and civically engaged; nearly 150 neighbors serve on the Town’s many boards and advisory committees.

3. Penfield is steeped in its agricultural tradition and is committed to historic preservation; it also looks to the future with community-based long-term comprehensive planning. With a strong public mandate from a 2002 Open Space referendum, Penfield has protected more than 1,200 acres for agriculture and recreational use to date. Penfield has earned its reputation as a statewide leader in Open Space preservation*, and the Town serves as a role model for other communities wishing to protect their natural resources. The 2012 Open Space committee is currently reviewing additional land for future protection.

4. The Town of Penfield and its residents consistently demonstrate their commitment to the preservation of land, natural resources and quality of life for future generations, and together present a collective desire to conserve these critical assets.

*In September 2002, the Town of Penfield received an award from the Upstate New York Chapter of the American Planning Association for its Open Space Plan. The Town was awarded the 2002 Outstanding Planning Project – Implementation, for its efforts toward resource preservation

5. Preservation of the Town’s irreplaceable recreational and scenic sites, high-quality agricultural
land, air quality and water quality, and priceless and unique character, is of significant value to the inhabitants of the Town and to the tourists who visit here.

6. The Town’s rich natural environment is a valuable asset that creates a sense of identity and well-being for residents of the area. Preserving and protecting the scenic, recreational, and other natural resources of the Town is important for both a healthy environment and vibrant economy. Aesthetic issues are real and evoke strong reactions from people. They deeply affect the way people feel about a place – whether or not businesses will want to locate, or people will want to live in and visit a place.

Section 3. SUPPRESSION, INTENT AND EFFECT.

Pursuant to Sections 10(1)(ii)(d)(3), 10(1)(ii)(a)(12), 10(1)(ii)(a)(14) of the Municipal Home Rule Law, any provisions of Sections 265-a, 267, 267-a, 267-b, 274-a, 274-b, 276, 277, 278, and 279 of the provisions of Town Law which are inconsistent with this local law, and only to the extent that they are inconsistent herewith, are hereby superseded by the provisions contained in this local law.

Section 4. APPLICATION.

This local law shall apply to all current public golf course properties within the Town of Penfield and described in Schedule 1 attached hereto and made a part hereof.

Section 5. DURATION.

This local law shall be in effect for a period of six (6) months from the effective date.

Section 6. PROHIBITION AND MORATORIUM.

There shall be no permits or approvals given by the appropriate board, agency or official of the Town of Penfield for the purpose of redevelopment in whole or in part of any public golf course within the Town of Penfield for any use other than golf course. Applications to the Town of Penfield for improvements to a public golf course and/or its appurtenant facilities shall not be subject to the Prohibition and Moratorium.

Section 7. SEVERABILITY.

If a clause, sentence, paragraph or section of the local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been rendered.

Section 8. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York Department of State.

Schedule “1”

Shadow Pines Golf Course Properties:

2701 Atlantic Avenue – SBL#124.09-1-1 (53.10 acres)
1950 Clark Road – SBL# 124.13-1-2.1 (105.30 acres)
1960 Clark Road – SBL# 124.13-1-3 (5.70 acres)
745 Whalen Road – SLB# 124.13-1-4 (47.60 acres)

Shadow Lake Golf Course Property:

1850 Five Mile Line Road – SBL# 124.01-2-45.1 (199.22 acres)
AMENDATORY AGREEMENT

THIS AMENDATORY AGREEMENT, made this ___ day of ___, 2016, by and between the COUNTY OF MONROE, a municipal corporation with offices at the County Office Building, 39 West Main Street, Rochester, New York 14614 (the "County"), and the TOWN OF PENFIELD, a municipal corporation with offices located at 3100 Atlantic Avenue, Penfield, New York 14526, (the "Municipality").

WITNESSETH:

WHEREAS, the County and the Municipality previously entered into an Agreement executed by the County on March 11, 2015, whereby the Municipality agreed to provide for the Empire Blvd. Sidewalk Improvement project, as set forth in Paragraph I of said Agreement; and

WHEREAS, the County and the Municipality wish to amend said Agreement to extend the term of the Agreement; and

WHEREAS, the County Legislature, by Resolution Number 217 of 2014, authorized the execution of this Amendatory Agreement with the Municipality,

NOW, THEREFORE, it is mutually covenanted and agreed by and between the parties hereto as follows:

1. Paragraph II of the Agreement shall be amended to read as follows:

   "This Agreement shall commence on January 1, 2016 and terminate on December 31, 2016. The Project shall be completed no later than one year after the execution of this Agreement. The County reserves the right to cancel any payments to be made under this Agreement for any expenses incurred by the Contractor on the Project after December 31, 2016."

2. Except as expressly stated herein, all terms and conditions of the aforesaid Agreement between the County and the Contractor shall remain in full force and effect.
IN WITNESS WHEREOF, the parties hereto have executed this Amendatory Agreement on the day and year first above written.

MONROE COUNTY

By: 

CHERYL DINOLFO  
COUNTY EXECUTIVE

TOWN OF PENFIELD

By: 

R. ANTHONY LA FOUNTAIN  
SUPERVISOR

State of New York )  
) ss:
County of Monroe )

On the ___ day of __________ in the year ___2016___ before me, the undersigned, a Notary Public in and for said State, personally appeared CHERYL DINOLFO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signatures on the instrument, the individual(s), or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

State of New York )  
) ss:
County of Monroe )

On the ___ day of __________ in the year ___2016___ before me, the undersigned, a Notary Public in and for said State, personally appeared R. ANTHONY LA FOUNTAIN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signatures on the instrument, the individuals, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public